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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/898, 853	07/25/97	YAMAGUCHI	

08/898, 853 07/25/97 YAMAGUCHI

H EXAMINER

08/11/1201

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ART UNIT PAPER NUMBER  
MARLO, 6

DATE MAILED:

12/01/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

Responsive to communication(s) filed on \_\_\_\_\_  
 This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.**

TIME

A ~~one month~~ period for response to this action is set to expire ONE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

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Claim(s) \_\_\_\_\_ is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) \_\_\_\_\_ is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
 Interview Summary, PTO-413  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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Art Unit: 3711

The reply filed on Oct 28, 1998 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): In the last Office action, regarding the rejection based on each of Sun and Higuchi et al (5,702,311), four sentences were written. The first sentence states the rejection under 35 USC 102 (a) that "Inherent features of the reference golf balls are claimed". Since applicant's remarks filed Oct 28, 1998 do not "specifically" address the issue of "inherent" feature of the reference golf balls, their position on this rejection is incomplete, if not totally silent. Applicants have in effect responded only to the second and third sentences of the above noted four sentences. Applicants are reminded that they have the burden of showing that "inherencey" is not involved. See Ex parte Gray 10 USPO 2d 1922. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George J. Marlo whose telephone number is (703) 308-2094. The examiner can normally be reached on Mon.-Thurs. from 7:30 a.m. to 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison, can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Art Unit: 3711

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Marlo/DMM

November 23, 1998

  
GEORGE J. MARLO  
PRIMARY EXAMINER  
ART UNIT ~~3711~~  
3711